

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Jordan Mann,	)	
	)	CIVIL ACTION NO.
	)	
Plaintiff,	)	07-CV-5691 (NRB/DF)
	)	
v.	)	
	)	
Plus One Fitness; Trump World	)	NOTICE OF MOTION
Towers; “Robert” Doe;	)	UNDER RULE 37(b)(2)(A)
Jamie MacDonald;	)	TO PRECLUDE OR
Does 1 – 10 inclusive,	)	UNDER RULE 37(a) TO
	)	COMPEL
	)	
Defendant(s).	)	
	)	

TO: LAW OFFICE OF UWEM UMOH  
255 Livingston Street, 4<sup>th</sup> Floor  
Brooklyn, NY 11217  
Attn: Uwem Umoh, Esq.  
[numoh@umohlaw.com](mailto:numoh@umohlaw.com)

COPY TO: LESTER SCHWAB KATZ & DWYER, LLP  
120 Broadway  
New York, NY 10271  
Attn: Harold J. Derschowitz, Esq.  
[hderschowitz@lskdnylaw.com](mailto:hderschowitz@lskdnylaw.com)

PLEASE TAKE NOTICE that, under Fed. R. Civ. P. 37, Defendants Plus One Holdings, Inc. s/h/a/ Plus One Fitness, and Jamie Macdonald (henceforth “the Plus One Defendants”) will move before the Hon. Naomi Reice Buchwald for an order under Fed. R. Civ. P. 37(b)(2)(A) for an order of preclusion, or under Rule 37(a) for an order compelling discovery. In support of their motion, the Plus One Defendants will rely upon

the accompanying Certification of Deborah Martin Norcross, Esq. and Memorandum of Law.

PLEASE TAKE FURTHER NOTICE that any opposition to this motion must be filed within four (4) days of the service hereof.

Respectfully submitted,

**MARTIN NORCROSS LLC**

110 Wall Street  
RCG Suite, 26<sup>th</sup> Floor  
New York, NY 10005

-and-

60 Marion Road West  
Princeton, NJ 08540  
(609) 249-5860  
(609) 945-3912 Fax

By: /s/ Deborah Martin Norcross  
Deborah Martin Norcross (DN0289)

ATTORNEYS FOR DEFENDANTS PLUS  
ONE HOLDINGS, INC. and JAMIE  
MACDONALD

Dated: August 28, 2008

**CERTIFICATE OF SERVICE**

I certify that I served the foregoing RESPONSE on Counsel for Plaintiff and Counsel for Co-Defendants Board of Managers of Trump World Tower Condominiums and John Henriques on August 28, 2008 by electronic mail as follows:

LAW OFFICE OF UWEM UMOH  
Counsel for Plaintiff  
255 Livingston Street, 4<sup>th</sup> Floor  
Brooklyn, NY 11217  
Attn: Uwem Umoh, Esq.  
[numoh@umohlaw.com](mailto:numoh@umohlaw.com)

LESTER SCHWAB KATZ & DWYER, LLP  
Counsel for Defendants Trump World Tower and John Henriques  
120 Broadway  
New York, NY 10271  
Attn: Harold J. Derschowitz, Esq.  
[hderschowitz@lskdnylaw.com](mailto:hderschowitz@lskdnylaw.com)

**/s/ Deborah Martin Norcross**  
Deborah Martin Norcross (DN0289)

Dated: August 28, 2008